

## **Assembly Bill No. 1329**

### **CHAPTER 598**

An act to amend Section 25162 of, and to add Section 25180.2 to, the Health and Safety Code, relating to hazardous waste.

[Approved by Governor October 5, 2013. Filed with  
Secretary of State October 5, 2013.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 1329, V. Manuel Pérez. Hazardous waste.

(1) Existing law requires the Department of Toxic Substances Control to enforce the standards in the hazardous waste control laws and the regulations adopted to implement those laws. A violation of the hazardous waste control laws is a crime.

This bill would require the department to prioritize an enforcement action affecting communities that have been identified by the California Environmental Protection Agency as being the most impacted environmental justice communities.

(2) Existing law prohibits a person from transporting hazardous waste, as specified, if the final destination of the transported hazardous waste is in a state other than this state or in a territory of the United States, unless the facility is issued a permit pursuant to the federal Resource Conservation and Recovery Act of 1976 or the facility is authorized by the state to accept that waste.

This bill would instead prohibit a person from transporting hazardous waste, as specified, if the final destination of the transported hazardous waste is a domestic facility outside the jurisdiction of the state unless certain conditions apply to the facility, including whether the facility is subject to a cooperative agreement, as specified. By expanding the scope of a crime, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

**SECTION 1.** The Legislature finds and declares all of the following:

(a) California's public health and environmental protection programs, policies, and activities should be conducted in a manner that promotes equity

and affords fair treatment, accessibility, and protection for all residents, regardless of race, age, culture, income, or geographic location.

(b) To that end, the California Environmental Protection Agency has worked for a decade to develop and implement an environmental justice initiative that ensures fair and equitable environmental policies for all residents.

(c) Through that initiative, the California Environmental Protection Agency has worked to identify those communities that are most impacted by pollution and environmental contamination.

(d) California needs to provide the greatest level of attention and protection to those communities that are at the greatest risk from those impacts.

SEC. 2. Section 25180.2 is added to the Health and Safety Code, to read:

25180.2. The department shall prioritize an enforcement action authorized by this chapter affecting communities that have been identified by the California Environmental Protection Agency as being the most impacted environmental justice communities.

SEC. 3. Section 25162 of the Health and Safety Code is amended to read:

25162. (a) A person shall not transport hazardous waste on the highways of this state, or deliver to a railroad or vessel hazardous waste for transport if the final destination of the transported hazardous waste is a domestic facility outside the jurisdiction of the state, unless one of the following applies:

(1) The facility has been issued a permit pursuant to subsection (c) or (g), or has been granted authority to operate pursuant to subsection (e) of Section 3005 of the federal act (42 U.S.C. Sec. 6925) by either of the following:

(A) The United States Environmental Protection Agency.

(B) The state in which the facility is located, if the state has authorization to operate a hazardous waste program pursuant to Section 3006 of the federal act (42 U.S.C. Sec. 6926).

(2) The facility is authorized by the state in which it is located, pursuant to the applicable laws or regulations of that state, to accept the transported hazardous waste for transfer, handling, recycling, storage, treatment, or disposal.

(3) The facility is subject to a cooperative agreement executed pursuant to Section 25198.3.

(b) A person shall not transport hazardous waste on the highways of this state, or deliver to a railroad or vessel hazardous waste for transport, if the final destination of the transported hazardous waste is a facility that is located on a site that has been listed on the National Priorities List established pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9605(a)(8)(B)).

(c) A person who knowingly transports or causes the transportation of, or who reasonably should have known that the person was causing the

transportation of, hazardous waste in violation of subdivision (a) or (b) shall, upon conviction, be subject to the penalties specified in subdivision (a) of Section 25191.

(d) A person who knowingly delivers, or arranges the delivery of, hazardous waste to another person for transport in violation of subdivision (a) or (b) shall, upon conviction, be subject to the penalties specified in subdivision (a) of Section 25191.

(e) A person shall not transport hazardous waste that is subject to the requirements of Section 3017 of the federal act (42 U.S.C. Sec. 6938) on the highways of this state or deliver to a railroad or vessel any of this hazardous waste for transport, if the final destination of the transported hazardous waste is a foreign country, unless the shipment is in compliance with the applicable regulations adopted pursuant to Section 25150.2 and either of the following conditions is met:

(1) A copy of the foreign country's written consent to receive the hazardous waste, or a copy of the EPA Acknowledgement of Consent, as defined in Section 262.51 of Title 40 of the Code of Federal Regulations, is attached to the manifest required by this article.

(2) The hazardous waste shipment is in compliance with the terms of an international agreement between the United States and the receiving foreign country, as provided in subsection (f) of Section 3017 of the federal act (42 U.S.C. Sec. 6938 (f)).

(f) A person who knowingly violates, or who reasonably should have known that the person was violating, subdivision (e) shall, upon conviction, be subject to the penalties specified in subdivision (a) of Section 25191.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.